

Attorney Docket No. 5621 P1
Customer No. 49459

REMARKS

Claims 1, 2, and 32 have been rejected under 35 U.S.C. § 103 as being unpatentable over JP 49-43688, JP 47-12533, GB 1003083, GB 1054436, and Konstantinova and Chen Yun.

The Examiner states the following: "Even though applicants declaration recites that their compounds have to have a vinyl group there are several prior art references which teach similar compounds with a unsaturated vinyl group. See the abstract Konstantinova et al, which clearly suggests that an unsaturated group have the ability to polymerize and have demonstrated to have a good resistance to wet treatment. Would have motivated a person in the skill in the art to modify the compounds to have a vinyl group for the R5 or the R8 position, with quaternary N to obtain the compounds of the instant invention....There are other references such as...Chen Yun et al which do teach compounds which are similar compounds [chemical structure identified]."

Applicants have amended the claim to provide more clarity to the claimed subject matter.

Applicants traverse this rejection because one of ordinary skill in the art would not be motivated to make the claimed compounds. There has to be some motivation in the general art to modify the prior art to make the claimed invention, and considering that there several different ways, if not hundreds, of modifying the prior art compounds, then there would have been some directional to motivate one of ordinary skill the art to make the claimed compounds, especially considering that the functionality of the prior art compounds is changed with such a modification. The citing of the Chen Yun compound does not provide a directional considering that the molecule in Chen Yun is completely different from the claimed compound and there is still the void as to why one of ordinary skill in the art would chose from the abyss of compounds in the world and choose the Chen Yun compound and then take that compound and combine with the other prior art references. In addition, the proposed modification of the prior art compounds to the claimed compounds would require a transformation of a compound's functionality, and therefore there is no a simple case of switching one substituent out for another. Applicants contend that only motivation to modify the prior art compounds to the claimed compound would come from hindsight reconstruction and the bases for this statement comes from the fact that there are several, if not hundreds of ways of modifying the prior art compounds and that the modification would result in significant transformation of the properties of the prior art compounds and therefore the compounds of the prior art and claimed invention are further differentiated from one another.

Attorney Docket No. 5621 P1
Customer No. 49459

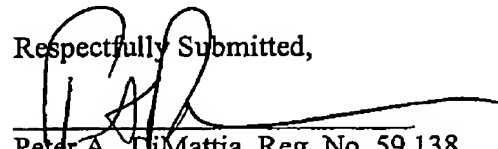
In view of the foregoing, Applicants request that this rejection is removed and that the claims are allowed.

Attorney Docket No. 5621 P1
Customer No. 49459

CONCLUSION

Applicants respectfully request that a Notice of Allowance be sent for all pending claims.

Respectfully Submitted,



Peter A. DiMattia, Reg. No. 59,138
Nalco Company
Patent and Licensing Department
1601 West Diehl Road
Naperville, IL 60563-1198
Phone - (630)305-2044

Date: 3/23/2010